Revenue (194 1950) **Department.**

Ms. **SERIES.**

G.O. NO. 269

Dated 31-1-1950

[Despatch Abstract.]

ALIENATION - Land and revenue - (South Kanara) - Udipi taluk - Shivalli illage - Survey Numbers 397 to 399 and 401 to 406 - In favour of the Mahatma andhi Memorial College Trust - Proposals - Sanctioned.

A3

REVENUE DEPARTMENT.

SUBJECT:

ALIENATION - Land and Revenue (South Kanara) - Udipi Taluk - Shivalli village S.Nos. 397 to 399 and 401 to 406 - The Mahatma Gandhi Memorial College Trust - For College Building, Boarding and Teachers' Quarters and playground - proposal - recommended.

Ref.E.No.6324/49-2 Station: M a d r a s. Dated 20th December 1949.

From

Sri A.F. Mascarenhas, Additional Secretary, Board of Revenue.

Sri S. Ranganathan, I.C.S., Commissioner of Land Revenue.

Read: From the Collector of South Kanara Ref.B.3.17501-49 dt.10-11-49.
Copy of letter No.166-49 dt.25-11-49 from the Secy.The Mahatma Gandhi Memorial College Trust, Udipi.

REFERENCE:

In the circumstances reported by the Collector in paragraph 6 of his letter read above, the Board sanctions the resumption of the sites in S.Nos.406/2 to 6 and 14 to 19 measuring Ac.2.08 of the Shivalli village from the Control of the Municipal Council, Udipi which were alienated in its favour in B.P.Mis.No.970 dt.23-4-42.

2. At the instance of the Collector of South Kanara the Board recommends the alienation of the plots of land comprised in S.Nos.(particulars are furnished in para 1 of the Collector's letter cited above) of Shivalli village, of Udipi taluk measuring Ac.32-55 in all in favour of the Secretary for the time being, The Mahatma Gandhi Memorial College Trust, Udipi for use as the sites of a College building, boarding house and teachers' quarters and playground.

3. The alienation of an extent of Acs.23-22 for College and playground will be free of charge for the occupancy right and free of assessment. Another extent of Acs. 9.33 will be free of charge for the occupancy right but subject to assessment for use as Boarding House and Teachers' quarters. The assessment will be liable to revision according to the rules in force at the time of such revision and subject to the following conditions:-

1) the land shall be used as the sites of a college buildings, boarding house and teachers quarters and playground and for no other purpose.

2) the College building and boarding house and teachers' quarters shall be constructed and playground formed within a period of three years from the date of the grant.

3) No other building shall be constructed on the land without the previous permission of the Collector of the district.

4) The market value of the land shall be collected if at any time it is found that the grantee derives a substantital income from the land. The Collector shall decide whether a net income is derived from the land or not and his decision shall be final.

5) The college shall be open to members of all communities.

6) The Government may resume the land wholly or in part with any buildings thereon if the college is not recognised, or if the recognition onc granted is subsequently withdrawn.

7) The amount of any grant made by the Government towards the cost of the buildings shall be deducted from the compensation payable to the grantee in the event of the resumption of the land.

8) No part of the land set apart for the playground shall be built on without the previous sanction of the Collector.

9) If there are buildings so constructed with permission, compensation shall be payable as usual.

10) If buildings, are constructed in violation of condition (8) above, the land with the buildings shall be resumed without any compensation whatsoever.

P.T.O.

(11) The Government may resume the land wholly or in part with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land, the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

(12) The Government may resume the land wholly or in part with ny buildings thereon if in the opinion of the Government the lanc s required for public purposes or for conducting mining opera- ions. In the event of such resumption, or in the event of the cquisition of the land for any reasons, the compensation paya- le for the land and trees shall in no case exceed the amount aid for them by the grantee or their value at the time of resump- ion or acquisition whichever may be less, and the compensation ayable for buildings or other improvements shall in no case exceed he amount paid for them by the grantee at the time of alienation r their value at the time of resumption or acquisition, whichever ay be less together with the initial cost or the value at the ime of resumption or acquisition, whichever may be less of any uildings created or other improvements effected on the land by he grantee in accordance with the terms of the grant. The mount of any grant made by the Government towards the cost of the uildings or other improvements shall be deducted from the ompensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3)

(13) In the event of the voluntary relinquishment of the land by the grantee no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant of the value of the land at the time of relinquishment whichever may be less.

(14) Full land revenue shall be levied if at any time any net income is derived from the land or if any of the conditions of the alienation are infringed. In the latter case, the land revenue shall be levied from the date of the infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

P.T.O.

(15) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the district.

(16)(~~xx~~) The alienee shall take all reasonable measures to the satisfaction of the Collector of the district for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(17)(~~xxx~~) The alienee shall take the steps to see that the marks made by the officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(18)(~~xx~~) In the event of the infringement of, or failure to observe any of the conditions (15) to (17)(~~xx~~) the alienee shall pay to the Government such compensation as is determined by the Collector of the district for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

for ADDITIONAL SECRETARY.

To the Secretary to Government, Revenue Department, Madras. with a copy of Collector's letter dt.10-11-49 and/ / with alienation statements and sketches to be retd

PLG/20/12.

Copy of letter Ref.No.166/49 dated 25-11-49 from the Secretary, The Mahatma Gandhi Memorial College Trust, to the Collector of South Kanara, Mangalore.

...

ALIENATION - Land and Revenue - Udipi Taluk - Shivalli village - S.Nos.397 to 399 and 401 to 406 - for constructing permanent buildings of the Mahatma Gandhi Memorial College, Udipil.
Ref: Your letter No.B.3./17501/49 dt.10-11-49.

...

I have the honour to acknowledge receipt of your letter cited above, and to state that our Trust at its meeting held on November 22, 1949 passed a resolution agreeing to all the conditions of alienation contained in your communication.

The following is the copy of the resolution - Item No.2.

(a) "It was resolved to abide by all the conditions of alienation as stated in the Collector's letter and to authorise the Secretar to sign all documents connected therewith."

I also wish to state that in regard to the plots with S.Nos.406/3 to 6 and 16 to 19 and portion of S.No.406/15 applied for by the Trust, we have addressed the Muncipality, Udipi, requesting them to hand over the said plots unconditionally with the building thereon. The matter will come up be before the meeting of the Council take to be held tomorrow, and I shall inform you about this immediately the Council takes a decision in the matter.

Thanking you.

(sd) xx x
Secretary.

/True copy/

for ADDL. SECRETARY.

6. Of the several plots applied for the play-ground, portion of S.No.406/15 and S.Nos.406/3, 4, 5, 6, 16, 17, 18 & 19 were alie-nated to the Municipal Council, Udipi, in Board's Resolution No. 970 dated 23-4-1942 along with S.Nos. 406/2 and 14 for the purpose of an isolation shed, kitchen, latrine and watcher's shed. These plots contain only a small shed. An extension of time till --- 1-6-1950 has been granted to the Municipal Council to construct other buildings in B.P.Rt.No. 4135 dated 22-7-1949. The Council in its resolutions No.6 dated 10-9-1949 (copy enclosed) has con-sented to surrender these lands and hand over the existing build-ing to the College Trust subject to the condition that the Colleg Committee constructs and hands over to the Council a building of the same type and dimensions as the present isolation shed, at a place to be shown by the Municipality. The President of the Trust states that the Trust has agreed to the proposal of the Municipal Council. All the plots alienated in favour of the Municipal -- Council have therefore to be resumed and S.Nos. 406/3, 4, 5, 6, 15(portion), 16, 17, 18 and 19 (included in new S.No.406/2) have to be alienated in favour of the Trust. But as the resolution of the Municipal Council is conditional, I have requested the Muni-cipal Council to send an unconditional resolution agreeing to the resumption of the land and I have also requested the secretary of the Trust to arrange with the Municipal Council to get its unqualified consent for the resumption of the plots.

7. It is said that the Trust proposes to collect fee from the Boarders and occupiers of the boarding house and the Teachers' quarters. I therefore recommend that ground rent at the rate of Rs. 11-4-0 per acre may be charged on S.No.397/2, 398/3, 398/4 399/1 and 399/3 covering an extent of 9.33 acres. The remaining lands are intended for the construction of College building and laying out garden. I recommend that the land revenue may be --- alienated in respect of the remaining area of 23.22 acres, parti-culars of which are furnished in para 1.

8. The Trust in its resolution No.6 appended to the applica-tion has undertaken to abide by all the conditions of alienation. I have communicated to the Secretary of the Trust a set of condi-tions applicable in this case. A copy of it is enclosed. A resolution of the Trust willing to accept these conditions will be submitted on receipt.

9. The plots contain neither tree growth nor buildings except that referred to in para 6. The sub-division fee of Rs.11/- has been collected.

10. The following enclosures are submitted herewith:

(i) Application for alienation of land.
(ii) -Do- -do- Land Revenue.
(iii) Eye-sketches of the plots.
(iv) Adangal Extract.
(v) One set of sub-division records.
(vi) Copy of application dated 31-7-1949 of the Secretary, The Mahatma Gandhi Memorial College Trust with copy of letter R.O.C.No.698-D2-48 dated 29-8-1949 and copy of Schedule B referred to in the applica-tion.
(vii) Copy of resolution No.6 dated 10-9-1949 of the Municipal Council, Udipi.

Yours faithfully,

For Collector.

MES/12-11.
Compd.

11) The Government may resume the land, wholly or in part, with any buildings thereon, in the event of the infringement of any of the conditions of the grant. In the event of such resumption no compensation shall be payable for any improvements that may have been effected or other works that may have been executed on the land by the grantee and the grantee shall not be entitled to the repayment of any amount that may have been paid to the Government for the grant. If there are buildings on the land the Government may direct the grantee to remove them and if the grantee refuses to remove them when so directed the Government or any officer empowered by them in this behalf shall have power to remove the buildings and realise the cost of such removal by the sale of the materials.

12) The Government may resume the land, wholly or in part with any buildings thereon, if in the opinion of the Government the land is required for a public purpose or for conducting mining operations. In the event of such resumption or in the event of the acquisition of the land for any reason, the compensation payable for the land and trees shall in no case exceed the amount paid for them by the grantee or their value at the time of resumption or acquisition whichever may be less and the compensation payable for buildings or other improvements shall in no case exceed the amount paid for them by the grantee at the time of alienation or their value at the time of resumption or acquisition, whichever may be less, together with the initial cost or the value at the time of resumption or acquisition, whichever may be less, of any buildings erected or other improvements effected on the land by the grantee in accordance with the terms of the grant. The amount of any grant made by the Government towards the cost of the buildings or other improvements shall be deducted from the compensation payable under this condition. But in no circumstances shall any compensation be paid by the Government in respect of buildings constructed in contravention of condition (3).

13) In the event of the voluntary relinquishment of the land by the grantee, no compensation shall be payable for any improvements that may have been effected or for works that may have been executed on the land by the grantee but the grantee shall be entitled to the repayment of any amount that may have been paid to the Government for the grant or the value of the land at the time of relinquishment whichever may be less.

14) Full land revenue shall be levied if an any time any net income is derived from the land or if any of the conditions of alienation are infringed. In the latter case, the land revenue shall be levied from the date of infringement. The decision of the Collector on the question whether a net income is derived from the land or not shall be final.

15) The Government reserve to themselves the right to all sandalwood trees and their branches and roots which exist at the time of alienation as well as those which may grow subsequently on the land and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land and dispose of them at their pleasure. The alienee shall not be entitled to cut or remove them or cause them to be cut or removed without the permission of the Collector of the District.

16) The alienee shall take all reasonable measures to the satisfaction of the Collector of the District for the protection of the sandalwood trees from theft or damage and for the careful protection of the immature trees growing on the land.

(17) The alienee shall take steps to see that the marks made by the officers of the Government on the sandal-wood trees are preserved and are not tampered with; and

(18) In the event of infringement of or failure to observe any of the conditions (15) to (17) the alienee shall pay to the Government such compensation as is determined by the Collector of the District for any loss or damage caused by such infringement or failure on his part. The Government shall also be at liberty to resume the land and re-enter on it and the whole land shall thereupon vest absolutely in the Government. In that case the alienee shall not be entitled to any compensation whatever.

PB 9/1/50

14/1/50

Annexure

H.S. 'A' applies

(L.A., Ed.P.H.)

note :- and fwi may see before issue.

PB 9/1/50

14/1/50

LA

Ed P H

fwi

LOCAL ADMINISTRATION DEPARTMENT 2053 17 JAN 1950 SECRET. LAT. M. DEPT.

LA

Ed P H

fwi

Rev. Secy. No 76240 A/49-1 14/1/50

LAD

Seen

17.1.50 Ed P H

ASST. SECRETARY TO GOVERNMENT 468 19 JAN 1950 EDUCATION AND PUBLIC HEALTH DEPT.

Ed P H (G2)

ADDITIONAL DEPUTY SECRETARY 28 JAN 1950 DEPARTMENT

may be perused and passed on to fwi -

Rev. 2053/50-1A

23/1/50

Ed P H (G2)

Secy. 46/3548/50-1

23/1/50

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5/2/1 fwi

1 Spare
28.1.50

no 76240 A/49] From the Collr of S. Kanara [No B3/17501/49 dt 10/11/49
From the Bd of Rev Mem. E. No 6324/49-2 of
20/12-/49

Go. MS No: 269 of 31-1-50.

The Govt sanction the ~~resumption~~ alienation of ~~the sites in S.Nos. 40-6/2 to 6 and 14 to 19 measuring Ac 2.08 of the Shivalli village, Udipi taluk, S. Kanara dt from the Control of the Municipal Council, Udipi and alienation~~ the plots of land ~~mentioned~~ comprised in the S.Nos ~~referred to~~ in the annexure to this order, in the Collector's letter read above, of Shivalli village, Udipi taluk measuring Ac. 32-55 in all in favour of the Secretary for the time being, The Mahatma Gandhi Memorial College Trust, Udipi for use as the sites of a College building, boarding house and teachers' quarters and playground.

2. The alienation of an extent of 23-22 for College and playground will be free of charge for the occupancy right free of assessment. The rest will be for charge for the occupancy right but subject to assessment for use as Boarding House and Teachers' quarters assessment will be liable to revision according to the rules in force at the time of such revision and subject to the following conditions :—

1) The land shall be used exclusively for College buildings, boarding house and teachers' quarters and playground for no other purpose.

2) The College building and boarding house and teachers' quarters shall be constructed and playground formed within a period of ~~two~~ three years from the date of the grant

3) No other building shall be constructed on the land without the previous permission of the Collector of the dt.

4) The market value of the land shall be collected if at any time it is found that the grantee derives a substantial income from the land. The Collector's decision whether any income is derived from the land or not shall be final.

5) The College shall be open to members of all Communities.

6) The Govt may resume the land wholly or in part with any buildings thereon, if the College is not recognised or if the recognition once granted is subsequently withdrawn.

7) The amount of any grant made by the Govt towards the cost of the buildings shall be deducted from the Compensation payable to the grantee in the event of the resumption of the land

8) No part of the land set apart for the playground shall be built upon without the previous sanction of the Collector.

9) If any buildings are constructed with permission, Compensation shall be payable as usual.

10) If buildings are constructed in violation of condition 8) above, the land with the buildings thereon shall be resumed without any compensation whatsoever

Fin (Accts

The draft order on ff. 1 to 4 above may be perused

Fin No 5267 Accts-
24-1-50

DW
24.1.'50

Rev

H3
25/1/50

To A.S

The draft order at ff 1-4 above may issue.

25/1/50

Rev dept.

PB
25/1/50.
25/1/50